

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action dated October 10, 2003 are respectfully requested. Claims 1-47 are pending.

In the Office Action, Examiner rejected claims 1-47 as obvious in view of U.S. Patent No. 6,415,270 ("Rackson"). Applicant submits with this amendment a Declaration under 37 C.F.R. § 1.131 by inventor Suresh Kumar. This declaration is seasonably presented prior to a final rejection. (MPEP § 715.09.) Because the Declaration establishes an invention date prior to Rackson's September 3, 1999 priority date, Rackson is removed as a reference. Applicant accordingly requests Examiner to withdraw the rejection of claims 1-47 under 35 U.S.C. § 103(a).

The inventor possessed either the whole invention as claimed in claims 1-47, or something falling within these claims, prior to the September 3, 1999 claimed priority date, as explained in detail in the attached Declaration and demonstrated by the document of Exhibit A of the Declaration. As shown in the document of Exhibit A, applicant conceived of a method and system for bidding on multiple auctions. In one embodiment of the invention, the system receives indications of multiple auctions and techniques to apply to the auctions. See, e.g., Exhibit A, page A-2. Several aspects of the invention are corroborated in the document of Exhibit A. As examples, page A-2 discloses a system for tracking progress of multiple auctions, page A-3 describes receiving indications from a user relating to techniques or rules to apply while bidding in an auction, and page A-6 illustrates a method for bidding in auctions including participating in an auction in accordance with a bidding technique.

Additionally, the inventor diligently and constructively reduced his invention to practice, as demonstrated by the activities listed in Exhibit B of the Declaration. The listed activities indicate that the inventor and his patent attorney met on September 21, 1999, exchanged several follow-up electronic mail messages, drafted and reviewed a application that was sent by the patent attorney to the inventor on December 13, 1999, exchanged several further follow-up electronic mail messages relating to the draft, and then filed the patent application on March 20, 2000. This evidence demonstrates that

the inventor and his patent attorney diligently and constructively reduced the invention to practice.

Should the Declaration not support antedating of a claim, applicant reserves his right to traverse any remaining rejections relating to the claim.

Examiner also rejected claims 1-21 under 35 U.S.C. § 101. Applicant thanks Examiner for his time during a very brief telephonic interview with applicant's representatives on November 3, 2003. During this telephonic conference, Examiner indicated that applicant can overcome the rejection under 35 U.S.C. § 101 by amending the claims to recite that the methods are performed by a computer system. Applicant has amended claim 1 accordingly.

Conclusion

Based on the above amendments and remarks, applicants respectfully request reconsideration of this application and its early allowance. If Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8545.

Respectfully submitted,
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